

PATENT

Docket No.: DEAV2003/0007 US NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Uwe Heinelt et. al.

Examiner: Stockton, Laura

Art Unit: 1626

Serial No.: 10/770,654

Filed: February 3, 2004

Certificate of Transmission

Title: N-Substituted (Benzoimidazol-2-yl)phenylamines
Process for Their Preparation,
Their Use as a Medicament or Diagnostic
and
Medicaments Containing Them

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Response to Restriction/Election Requirement Under 35 U.S.C. § 121

Sir:

This is in response to the Office Action dated December 11, 2006, having a response due by January 11, 2006 in the above-identified patent application. It is respectfully requested that the following provisional election, and the remarks be entered in this case.

PROVISIONAL ELECTION:

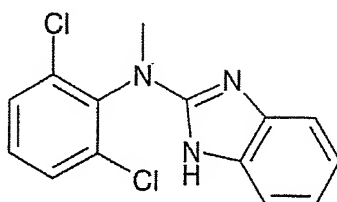
Applicants provisionally elect with traverse the invention Group I, claims 1-3, 12 and 13 drawn to products of formula 1 classified in class 548, subclass 304.4.

ELECTION OF A SUB-SPECIES AND A SINGLE DISCLOSED COMPOUND:

Applicants herein are required to elect a single disclosed species from the group comprising a member of the platform molecule as recited in claim 1. To this end,

Applicants provisionally elect with traverse the species (1H-Benzoimidazol-2-yl)(2,6-

dichlorophenyl)methylamine as disclosed in Example 2.



Please note that all of claims 1 to 3, 12 and 13 read on this elected subgeneric species as well as the single disclosed compound as provisionally elected herein.

Remarks

In the Office Action, the Examiner noted that claims 1 to 13 are subject to restriction. In particular, the Examiner has given a two-way restriction in accordance with 35 U.S.C. 121 as follows:

<i>Inventions</i>	<i>Classification</i>
Group I. Claims 1-3, 12 and 13 drawn to products of formula I.	548/304.4
Group II. Claims 4-11 drawn to methods of using the compounds of formula I.	514/388

As indicated above, through this response, Applicants provisionally elect invention Group I *with traverse*, namely, claims 1-3, 12 and 13 products drawn to products of a chemical compound defined by formula I. Additionally, as requested by the Examiner, Applicants have also provisionally elected with traverse a sub-generic species falling within the scope of Group I of formula I, wherein the species is (1H-Benzimidazol-2-yl)(2,6- dichlorophenyl)methylamine as disclosed in Example 2.